

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-02-026

Relating to the Adoption of an Asbestos Airborne Toxic Control Measure for
Construction, Grading, Quarrying, and Surface Mining Operations

WHEREAS, on July 27, 2001, the Air Resources Board (the Board or ARB) conducted a public hearing to consider the adoption of an Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations;

WHEREAS, following the public hearing on July 27, 2001, the Board adopted Resolution 01-28, in which the Board approved section 93105, title 17, California Code of Regulations (CCR), as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto;

WHEREAS, in Resolution 01-28, the Board directed the Executive Officer to incorporate into the approved regulation the modifications described above, with such other conforming modifications as may be appropriate, and then to adopt the modified regulation after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modified text as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted;

WHEREAS, on December 19, 2001, the modified regulations, reflecting the amendments approved by the Board and other appropriate conforming modifications, were made available for a public comment period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of section 44, title 1, CCR;

WHEREAS, a number of written comments were received during the supplemental 15-day comment period and those comments, as well as the comments received during the initial 45-day comment period, have been considered by the Executive Officer;

WHEREAS the responses to comments on the environmental issues associated with the proposed regulation, which are contained in the Final Statement of Reasons for this regulatory action, have been approved by the Executive Officer as provided in section 60007, title 17, CCR; and

WHEREAS, Attachment 1 hereto contains the regulatory text of section 93105, title 17, CCR, reflecting the modified regulatory text made available for the supplemental 15-day comment period.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 01-28 are incorporated by reference herein, including the findings pursuant to the California Environmental Quality Act set forth on pages 4 and 5 of Resolution 01-28.

IT IS FURTHER ORDERED, in accordance with Resolution 01-28, that the adoption of section 93105, title 17, CCR, is hereby adopted as set forth in Attachment 1 hereto.

Executed this _____ day of June, 2001, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment